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IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION No. 3096 /2005

PETITIONER : Jayant Kumar Dewangan S/o. Deep Chand Dewangan, Aged abut 31 years, Resident of Jhhagarakhand Road, Manendragarh, District-Korea (C.G.)

VERSUS

RESPONDENTS :

1. The State of Chhattisgarh Through : Secretary, Department of Panchayat Gramin Vikas Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. Chief Executive Officer, Zila Panchayat, District- Korea Collectrate, Baikunthpur, District- Korea (C.G.)

3. President, Zila Panchayat, District-Korea, Collectrate, Baikunthpur, District- Korea (C.G.)

4. Anand Kumar Jaiswal S/o Sita Ram Jaiswal, Aged- Not known, Residnt of Near Bal Mandir, Baikunthpur, District-Korea (C.G.).

5. Collector, Korea, Baikunthpur, District-Korea (C.G.).

P.R. No. 3202/05 Presented by Shri Nehendra Dubey dated 21/12/05

WRIT PETITION UNDER ARTICLES 226/227 OF CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS/ORDERS AND DIRECTION

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ...W.P...3096..... **सन् 200**5

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

22.7.2005

Shri Mahendra Dubey, counsel for the petitioner.

Shri Vivek Sharma, Panel Lawyer for the State/respondents No.1 and 5 on advance copy.

W.P.No.3096/2005 :-

Heard on admission.

By way of this writ petition, filed under Article 226/227 of the Constitution of India, the petitioner has challenged the selection of respondent No.4 on the post of Shiksha Karmi Grade III in other backward classes handicapped category.

It is submitted by learned counsel for the petitioner that the petitioner was a better candidate than respondent No.4. However, the authorities by a wrong means of procedure, selected respondent No.4 and the candidature of the petitioner has been refused. He further submits that the case of the petitioner is governed by the provisions of Madhya Pradesh (Chhattisgarh) Panchayat Shiksha Karmis(Recruitment and Conditions of Services) Rules, 1997. He also submits that there is a provision of appeal in the aforesaid Rules.

Since there is a provision of appeal in the aforesaid Rules and the petitioner has challenged the selection on various grounds, I deem it proper that the petitioner should avail the remedy of appeal which in the opinion of this Court

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	is an alternative and efficacious remedy available to the petitioner, I am not inclined to entertain this petition at this stage. The petition stands dismissed. However, it is observed that the petitioner shall be at liberty to file an appropriate appeal before the competent authority and if such an appeal is filed, the competent authority shall be obligated to decide the appeal as early as possible preferably within a period of 3 months from the date of filing/receipt of the appeal. The petition stands finally disposed of. Consequently, M.W.P.No.2598/2005 stands disposed of. Certified copy as per rules. **Sd/-** **Sunil Kumar Sinha** **Judge**	

Sunita